



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: J. Rosenberger Attorney Docket No.: WIMET121663
Application No.: 10/669,124 Art Unit: 2131 / Confirmation No: 2882
Filed: September 23, 2003 Examiner: C.A. Revak
Title: SYSTEM AND METHOD FOR WIRELESS LOCAL AREA NETWORK MONITORING AND INTRUSION DETECTION

DECLARATION UNDER 37 C.F.R. 1.131

Seattle, Washington 98101

December 19, 2006

TO THE COMMISSIONER FOR PATENTS:

I, Jim Flanagan, declare:

1. I am Director of Product Development at WiMetrics Corporation (WiMetrics), assignee of the above-identified U.S. patent application.

2. I was asked to determine which code module(s) listed in Exhibit A of the July 3, 2006, Office Action response embodied the following items:

(a) passively monitor for an unknown wireless device;
(b) create a device profile for an unknown wireless device;
(c) check whether the unknown wireless device is authorized; and
(d) permit the network traffic from the unknown wireless device to pass to the computer network if the unknown wireless device is determined to be an authorized device.

3. I identified file **FILTER.C** as embodying the above-identified items. I have retrieved **FILTER.C** from the SourceSafe project identified in Exhibit A. The file **FILTER.C**, attached as Exhibit C, is a version of the file that existed prior to June, 2002. Exhibit C is sealed in an envelope and marked as proprietary information for viewing by the Examiner, or other authorized U.S. Patent and Trademark Office personnel, only.

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4. In regard to Item (a) above, the functionality of Item (a) is found in the routine **ReceiveAdapter0()**, page 3, that passively waits for packets arriving at a wireless network adapter. The routine **ExtractFrame_LANadapter0**, page 5, extracts the unknown wireless device MAC address for identification. This function is called from a worker thread located in another code module.

5. In regard to Items (b) and (c) above, the functionality of Items (b) and (c) are found in the routine **ValidateMAC()**, page 10, that checks whether an unknown wireless device has been authorized and if not, creates a profile for the unknown wireless device and adds it to the unknown wireless device table. This function is called from the routine **ExtractFrame_LANadapter0()** described below.

6. In regard to Item (d) above, the functionality of Item (d) is found in the routine **ExtractFrame_LANadapter0()**, page 5, that retrieves the MAC address of the unknown wireless device and passes the frame to the wired computer network if the wireless device is authorized. The call to **ValidateMAC()** checks whether or not the device is authorized. This function is called from **ReceiveAdapter0()** described above.

7. All statements made herein are true, and all statements made on information and belief are believed to be true. These statements were made with the knowledge that willful, false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful, false statements may jeopardize the validity of the above-identified patent application or any patent that issues thereon.

Date: Dec. 19, 2006



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